

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WISCONSIN

ROUMANN CONSULTING INC. and
RONALD ROUSSE,

Plaintiffs,

v.

Case No. 2:18-cv-01551-LA

SYMBIONT CONSTRUCTION, INC.,
SYMBIONT HOLDING COMPANY, INC.,
SYMBIONT SCIENCE, ENGINEERING AND
CONSTRUCTION, INC.,
THOMAS C. BACHMAN,
SONYA K. SIMON, ESQ.,
EDWARD T. MANNING, JR., and
TIMOTHY P. NELSON,

Defendants.

DECLARATION OF ADAM CARES

Adam Cares, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am a Litigation Technology Specialist employed at Godfrey & Kahn, S.C. Godfrey & Kahn represents the defendants in this action. The statements in this declaration are based on my personal knowledge, review of Symbiont Construction's and T.V. John's ("Symbiont") records and files that were produced in this action and in the Eastern District of Wisconsin Case No. 2:17-cv-01407-LA ("2017 Case"), the March 18, 2022 and May 27, 2022 Declarations of Ronald Rousse.
2. I have been involved in the above-captioned case and the 2017 Case since their respective inceptions and have assisted with the document productions by the parties in both cases.
3. I have reviewed the March 18, 2022 and May 27, 2022 Declarations of Ronald Rousse ("Rousse") and the exhibits attached thereto.

4. Mr. Rousse spends several pages of his Declaration detailing the file structure of Symbiont's USB production and details where certain documents are located on the USB drive.

5. At paragraph 43 of his Declaration, Mr. Rousse simply restates the contents of paragraph 44 from his March 18, 2022 Declaration listing 11 files without providing any clarification as to where the files are located on the USB drive even though I stated I could not locate them in my previous Declaration.

6. Once again, I performed filename searches across all 75,616 files found on the USB production in question and found no filenames that match any of the 11 files listed by Mr. Rousse. Additionally, I created a list of every single filename found on the USB drive in alphanumeric order. When printed, this list is 1,051 pages long. Attached hereto as Exhibit A is page 187 of the 1,051 page long list of filenames. None of the filenames listed in paragraph 44 of Mr. Rousse's March 18, 2022 Declaration and again in paragraph 43 of his May 27, 2022 Declaration are on this list. Based on the filenames provided by Mr. Rousse, all 11 of these files would appear in-between files named "200548_vibrationandseismiccontrolforfacser_05-31-17.pdf" and "2017-08-21" on the attached Exhibit A.

7. Ten of the eleven filenames listed by Mr. Rousse begin with "2016". Not a single file on the USB drive production begins with "2016".

8. Exhibit A has multiple files with the same name. Files with the exact same name appear in multiple different locations within the USB drive.

9. At paragraph 44 of his Declaration, Mr. Rousse expresses confusion about how I performed the searches that resulted in no hits for the filenames he provided. I detail the searches I performed in paragraphs 8 through 13 of my April 22, 2022 Declaration (see DKT 102 pg 2-4).

10. In addition to double checking my filename search as outlined above I also ran searches across the extracted text of all of the documents for unique phrases found in each of the files found in Exhibit 10 of Mr. Rousse's Declaration (Dkt 109-18). There were no matches for the documents found in Exhibit 10.

11. Mr. Rousse lists 11 documents at paragraph 44 of his March 18, 2022 Declaration and again in paragraph 43 of his May 27, 2022 Declaration. Mr. Rousse's Exhibit 10 is assembled in PDF and contains bookmarks with the unique file names included in the exhibit. Mr. Rousse attaches 13 unique documents, in Exhibit 10, not 11. The first 11 documents match the file names listed in his March 18th and May 27th Declarations, however, he also attaches two additional documents as listed below.

- a. "2018-09-11 – Fremont Kroger Northwest OH – Master Bidders List.xls";
and
- b. "Copy of Kroger WI – Master Bidders List 170309.xlsx".

Neither of these two additional documents attached to Exhibit 10 as filed by Mr. Rousse appear on the USB drive either. I performed the same searches as outlined above to verify they are not on the drive.

12. At paragraph 44 of his Declaration, Mr. Rousse states in part, in reference to my previous Declaration and attached exhibits "the Exhibit he attached as Exhibit 1 bears no relation to the order or titles of the materials produced by Symbiont." However, at paragraph 41 of Mr. Rousse's Declaration, only 3 paragraphs prior to the above quoted statement, Mr. Rousse provides a snapshot of some of the Excel files found in Symbiont's production from the USB drive in question. The filenames of the Excel files in this list can easily be located on Exhibit 1 of my April 22, 2022 Declaration (see DKT 102 at pg. 25-34 and 49).

I declare under penalty of perjury that the foregoing is true and correct.

Executed June 17, 2022.

s/Adam Cares

Adam Cares, Litigation Technology
Specialist, Godfrey & Kahn, S.C.

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